

REMARKS

Reconsideration and allowance of the above-identified patent application are respectfully requested. The Examiner has required restriction and an election of species.

No claims are added or cancelled. One claim is amended to address an obvious error in the description of A and B when taken together.

I. Restriction Requirement

Under 35 U.S.C. 121, the Examiner required restriction between two patentably distinct groups of claims:

- I. Claims 47-61 directed to compounds of formula I, and a pharmaceutical composition,
and
- II. Claims 62-67 directed to methods of treatment.

Applicants elect to continue prosecution of group I, claims 47-61, directed to compounds and pharmaceutical compositions.

This election is made without traverse.

The Examiner also requested an election of species. Applicants designate compound 2-2. On this compound one R¹ is methyl and the others are H; R² and R³ are taken together and represent an alkanediyl group, and A and B together represent a C₅ alkanediyl group.

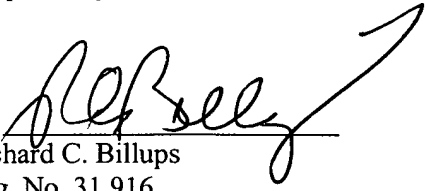
This election is made for purposes of facilitating the Examiner's search of the art, and is made with the understanding that the species election requirement will be withdrawn by the Examiner upon determining that an allowable genus exists.

Moreover, Applicants reserve the right to rejoin claims from group II insofar as they pertain to the compounds that are the subject of examination, even though the inventions may be patentably distinct, since joinder of claims drawn to a compound, composition and method of use has long been considered permissible, in accordance with the Examiner's comments pertaining to 1884 TMOG 86 (March 26, 2006).

Since the method of treatment claims already depend from one of the compound claims, no amendment should be required to preserve the right of rejoinder.

Based upon the foregoing, an early indication of allowability is respectfully requested. If the Examiner has any questions, he or she is respectfully requested to telephone the undersigned.

Respectfully submitted,

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